HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 16225 of 2007

Between:

S. Ramasubba Reddy

... Petitioner

AND

The Pulivendula Municipality, rep., by its
Commissioner, Pulivendula,
Kadapa District.

... Respondent

: ORDER :

Counsel for the petitioner : Shri V.R. Reddy Kovvuri

Counsel for the respondent : Shri S.I. Newton

Dated: 31st July, 2007

Per G.S. SINGHVI, CJ.

This petition is directed against notice dated 19.07.2007 issued by Commissioner, Pulivendula Municipality under Sections 191 and 193 of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act') for demolition of the alleged encroachment made by the petitioner over the road margin/public drain.

In the affidavit filed by him, the petitioner has averred that after obtaining permission from Pulivendula Gram Panchayat in the year 1982, his father constructed a lodge in the name and style "S.S.R. Lodge" consisting ground plus two floors and that the disputed construction does not violate the provisions of the Act. He has further averred that without giving him show cause notice and opportunity of hearing, the respondent has suddenly issued notice under Sections 191 and 193 of the Act for removal of the alleged encroachment.

We have heard learned counsel for the parties and perused the record. In our opinion, ends of justice will be met by directing that the impugned notice should be treated as a show cause notice to which the petitioner may submit reply and, thereafter, the competent authority shall decide the issue of encroachment by passing a speaking order.

Hence, the writ petition is disposed of in the following terms:

a) The notice impugned in the petition shall be treated as a show cause notice.

b) Within two weeks from today the petitioner may, if so advised, file written reply to the show cause notice and

produce documentary evidence to show that he has not encroached on the road margin/public drain.

c) Within next two weeks the Commissioner, Pulivendula Municipality shall decide the representation of the petitioner by recording a speaking order, which shall be communicated to him at the end of two weeks period.

d) If the petitioner feels aggrieved by the order to be passed hereinafter, then he shall be free to avail appropriate legal remedy.

As a sequel to disposal of the writ petition in the manner indicated above, WPMP.No.20638 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ.

C.V. NAGARJUNA REDDY, J.

Date: 31.07.2007

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